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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/663,378
Filing Date	September 17, 2003
First Named Inventor	Steven A. Rogers
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	006389.00002

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>11 References Enclosed:</b> <b>(Cite Nos. 47 - 57) and ISR</b>
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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

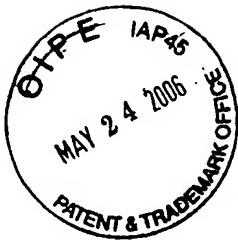
Firm or Individual name	Bradley C. Wright, Registration No. 38,061
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Date	

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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Steven A. Rogers

Serial No.: 10/663,378

Filed: September 17, 2003

For: EMPIRICAL SCHEDULING OF  
NETWORK PACKETS

Group Art Unit: 2151

Examiner: TBA

Atty. Dkt. No. 006389.00002

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In accordance with 37 C.F.R. § 1.56 and 1.97, Applicant(s) provides the following for consideration by the Office during examination of the above-captioned application. This submission is not intended as an admission that any submitted document or reference constitutes prior art against the claims of the present application. Applicant(s) do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicant(s) hereby make the following statements, if checked:

- ☐ Enclosed is a PTO Form PTO/SB/08a listing art for consideration by the Examiner, and a copy of each of the identified documents is included if presently required by Office rules and regulations.
- ☐ Pursuant to 37 C.F.R. § 1.97 (b) (1), the undersigned states that the present information disclosure statement is being filed within three months of the filing date

of a national application other than a continued prosecution application under 37 C.F.R. § 1.53 (d).

- ☐ Pursuant to 37 C.F.R. § 1.97 (b) (2), the undersigned states that the present information disclosure statement is being filed within three months of the date of entry of a national stage as set forth in 37 C.F.R. § 1.491 in an international application.
- ☒ Pursuant to 37 C.F.R. § 1.97 (b) (3), the undersigned states that the present information disclosure statement is being filed before the mailing of a first Office action.
- ☐ Pursuant to 37 C.F.R. § 1.97 (b) (4), the undersigned states that the present information disclosure statement is being filed before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
- ☐ Pursuant to 37 C.F.R. § 1.97 (e) (1), the undersigned states that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ Pursuant to 37 C.F.R. § 1.97 (e) (2), the undersigned states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned, upon reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- ☐ Pursuant to 37 C.F.R. § 1.704 (d), the undersigned states that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and that the communication was not received by any individual designated in § 1.56 (c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ It is believed no fee is required to make this a complete and timely filing. However, if a fee is required, please charge our Deposit Account No. 19-0733.

☐ The undersigned hereby authorizes the Office to charge the fee pursuant to 37 C.F.R. § 1.17 (p) to our Deposit Account 19-0733.

☐ OTHER REMARKS: \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Consideration of this information is respectfully requested, with citation thereto on the face of the issued patent as applicable.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

Dated: May 24, 2006

By: 

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MAY 24 2006

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/663,378
Filing Date	September 17, 2003
First Named Inventor	Steven A. Rogers
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	006389.00002

## U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Name of Patentee or Applicant of Cited Document	Publication Date	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	US- 5,859,979	Tung et al	1/1999	
	2	US- 5,917,822	Lyles et al	6/1999	
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 2 of 2

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Application Number	10/663,378
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First Named Inventor	Steven A. Rogers
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	006389.00004

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	47	WO 00/28705	05/18/2000	Odyssia Systems, Inc.		
	48	WO 00/28706	05/18/2000	Odyssia Systems, Inc.		
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	51	JP 2004-056322 A	02/19/2004	Hirayama		
	52	EP 0827307 A2	03/04/1998	Marin et al		

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	53	Self-Adjusted Network Transmission for Multimedia Data; Mei-Ling Shyu, Shu-Ching Chen, Hongli Luo; Abstract; 6 pages;	
	54	The Problem of Upstream Traffic Synchronization in Passive Optical Networks; Glen Kramer; Abstract pp 1-7;	
	55	Distributed Path Reservation Algorithms for Multiplexed all-Optical Interconnection Networks; X, Yuan, R. Melhem and R. Gupta; Abstract; 10 Pages.	
	56	The Desk Area Network; Mark Hayter and Derek MCAuley; 5/1991; Abstract pp 11	
	57	Clark, M; Jeffay, K; Application - level Measurements of Performance on the vBNS Multimedia Computing and Systems; 1999; IEEE International Conference on June 1999, Vol. 2, 7-11, pp. 362-366 vol. 2	

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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